

Chapter 3.05

ALCOHOLIC BEVERAGES

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3.05.010 Advisory board—Established—Membership.

(a) There is established a Nome alcoholic beverage advisory board consisting of five members appointed for overlapping three-year terms. The mayor shall appoint the members of the board, subject to confirmation by the city council. The first board shall consist of one member appointed for a term of one year, two members appointed for terms of two years, and two members appointed for terms of three years. Successors to the members of the first board shall be appointed for three-year terms.

(b) All members of the board shall be residents of the city during the term of their appointment. Two members of the board may be actively engaged in the alcoholic beverage industry. No member of the board may hold any other municipal, state or federal office, either elective or appointive. No three members of the board may be engaged in the same business, occupation or profession.

(c) Three members of the board constitute a quorum for the conduct of business. The board shall meet at least once each year, and at such other times as directed by the city council. (Ord. O-93-6-6 § 1 (part), 1994)

3.05.020 Advisory board—Powers and authority.

(a) The board shall conduct studies and investigations to insure the proper administration of municipal liquor regulations in a manner that will protect the public health, safety and welfare, and shall report to the city council at least one time each year.

(b) The board shall be advisory by nature, and shall possess none of the legal powers or authorities of the city unless specifically delegated by ordinance hereafter. (Ord. O-93-6-6 § 1 (part), 1994)

3.05.030 Prohibitions.

(a) All laws and regulations of the state of Alaska regarding licensed alcoholic beverage sales, service, distribution, and consumption apply within the city of Nome unless otherwise stated, except that the city of Nome has not adopted the local option pursuant to AS 04.11.491.

(b) It is unlawful to carry or transport an open container of intoxicating liquor on the public streets, alleys, parks or other public places, except that an open container of intoxicating liquor may be carried in a vehicle in a locked trunk or other secured location inaccessible to drivers and passengers of the vehicle.

(c) It is unlawful to consume intoxicating liquor on the public streets, alleys, parks or other public places, except as otherwise provided in NCO Section 3.05.070. (Ord. O-14-01-02 § 3, 2014)

3.05.035 Sale of intoxicating beverages permitted.

The provisions of AS 04.16.070(a) do not apply within the limits of the city when elections are being held. (Ord. 11-01-07 § 2, 2011)

3.05.040 Hours of sale.

(a) No person may consume, sell, offer for sale, give, furnish or deliver from an authorized licensee of a package store license any intoxicating liquor on any such licensed package store premises between the hours of ten p.m. and eleven a.m. on Mondays through Saturdays, and between the hours of ten p.m. and one p.m. on Sundays.

(b) No person may consume, sell, offer for sale, give, furnish or deliver from an authorized licensee of any type of license provided in AS 04.11.080(1) through (6) and (8) through (20), any intoxicating liquor on any such licensed premises between the hours of two a.m. and ten a.m. on Mondays through Fridays, three a.m. and ten a.m. on Saturdays, and three a.m. and one p.m. on Sundays.

(c) The exception to subsections (a) and (b) of this section shall be from the day the first dog team arrives in the city from the Iditarod Dog Sled Race until the day of the Iditarod Banquet, from the first day of the Iditarod Basketball Tournament until the day of the Iditarod Basketball Banquet, from the first day of the Iditarod Dart Tournament and Iditarod Pool Tournament until the day of the Iditarod Dart and Iditarod Pool Tournament Championship Game, and on New Year's Eve, when liquor establishments except package store license holders are authorized to remain open until five a.m. on the following day; provided, however, that no exception period described above shall exceed five days in total. On the Sunday of the Bering Sea Open Golf Tournament and on the Sunday known as "Super Bowl Sunday," liquor establishments described in subsection (b) of this section are authorized to open at ten a.m.

(d) The council may provide by resolution for other exceptions to subsection (b) of this section; provided, however, that no exception period under this section shall exceed five days in total. Exceptions authorized under this provision expire upon completion of any exception period. Permanent exceptions must be adopted by ordinance. (Ord. 11-01-07 § 3, 2011; Ord. O-99-1-7 § 2, 1999; Ord. O-93-6-6 § 1 (part), 1994)

3.05.045 Mandatory identification check.

(a) A licensee shall require any purchaser or on-site consumer of alcoholic beverages to produce a valid identification card for identification check prior to any sale or serving of alcoholic beverages. The purpose of the identification check is to verify age and eligibility to purchase alcoholic beverages.

(b) The holder of the license of any licensed premises that sells or serves alcohol in violation of this section is guilty of a minor offense and upon conviction shall be fined five hundred dollars. (Ord. O-18-10-01 § 2, 2018)

3.05.050 Sale of nonbeverage items.

(a) No person shall solicit or engage in the sale, barter or exchange of any item on the licensed premises, except that the licensee, or his or her employees or agents, may sell intoxicating liquors, other beverages, food items prepared on or for the licensed premises, tobacco supplies and the use of legal game equipment.

(b) It is unlawful for a licensee, his or her employees or agents, to permit a person who violates subsection (a) of this section to remain upon the licensed premises. If the licensee, or his or her employees or agents, has actual or constructive knowledge of a violation of subsection (a) of this section, he or she permits that person to remain if he or she fails to demand that that person leave the premises, or if such a demand is refused, fails to notify the Nome police department or Alaska State Troopers. As used in this subsection, "constructive knowledge" means the awareness a licensee, or his or her employees or agents, could have through the diligence in the operation of the licensed premises.

(c) The licensee premises occupied by a holder of a retail license or a beverage dispensary license or a roadhouse license shall not be connected by a door, opening or other means of passage for the purpose of sales or for the purpose of passage by the general public to any other retail business establishment. (Ord. O-93-6-6 § 1 (part), 1994)

3.05.060 Off-duty police.

No off-duty law enforcement officer shall enter any licensed premises with a firearm in his or her possession. Officers engaged in surreptitious or undercover duties may enter licensed premises with a firearm, provided such a designation as surreptitious or undercover duties has been approved previously by a superior officer, and has been logged previously in an appropriate duty book as surreptitious or undercover law enforcement duties. (Ord. O-93-6-6 § 1 (part), 1994)

3.05.070 Consumption in public places—Exceptions.

The city manager shall promulgate regulations governing the service and consumption of intoxicating liquor at group functions conducted in city parks and at municipal buildings and facilities. The regulations shall require that a permit be obtained and shall set qualifications for the issuance of a permit. All proposed regulations shall be approved by resolution by the city council. It shall be unlawful for any person to violate the regulations promulgated under this section. (Ord. O-93-6-6 § 1 (part), 1994)

3.05.080 Definitions.

As used in this chapter:

“Intoxicating liquor” means whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, venous, malt or other fermented or distilled liquors intended for human consumption and containing more than one percent alcohol by volume.

“Licensed premises” means premises licensed under AS 04.11.080.

“Licensee” means the holder of any type of license classified by AS 04.11.080, any person responsible for the lawful conduct of the business licensed and all persons acting as agents or employees on the licensed premises.

“Minor” means any person under twenty-one years of age.

“Open container” means any original container or package without the internal revenue strip stamp intact upon the container or package; any original container or package that has been opened at least once since retaining purchase; and any container or package other than the original container or package.

“Valid identification card” means an unexpired, unaltered passport or an unexpired, unaltered driver’s license or identification card issued by a federal, state, or tribal agency authorized to issue driver’s licenses or identification cards that meet the requirements under AS 04.21.050(b). (Ord. 18-10-01 § 3, 2018; Ord. O-93-6-6 § 1 (part), 1994)

3.05.090 Violation—Penalty.

(a) A person who violates any provision of this chapter is guilty of an infraction, and upon conviction shall be fined as set forth in NCO Section 1.20.040 or if no fine is there established, not more than five hundred dollars plus any surcharge required to be imposed by AS 12.55.039. Each violation is a separate offense.

(b) Upon conviction of a licensee for a violation of any provision of this chapter or of the laws or regulations of the state of Alaska pertaining to alcoholic beverages and operation of licensed premises, the city police department shall send a notification of conviction together with a certified copy of the transcript of the trial proceeding and conviction to the Alaska Alcoholic Beverage Control Board. (Ord. O-14-01-02 § 4, 2014; Ord. O-99-11-3 § 3, 1998; Ord. O-99-11-2 § 2, 1998; Ord. O-98-1-3, 1998; Ord. O-93-6-6 § 1 (part), 1994)